

## DEPOSITIONS AND TESTIMONY:

Affidavit (with H. Ware) in the matter of *U.S. vs. Western Electric Co. and American Telephone and Telegraph Company*, U.S. District Court for the District of Columbia, Civil Action No. 82-0192-HHG, supporting the "Reply of BellSouth Corporation in Support of its Motion for Generic Wireless Relief," filed September 2, 1994.

Affidavit on behalf of BellSouth Corporation before the Federal Communications Commission in the matter of *Amendment of the Commission's Rules to Establish New Personal Communications Services*, GEN Docket No. 90-314, filed August 30, 1994.

Affidavit (with H. Ware) in the matter of *U.S. vs. Western Electric Co. and American Telephone and Telegraph Company*, U.S. District Court for the District of Columbia, Civil Action No. 82-0192-HHG, supporting "BellSouth Corporation's Opposition to AT&T's Motion for a Waiver of Section I(D) of the Decree Insofar as it Bars the Proposed AT&T-McCaw Merger," filed June 28, 1994.

Affidavit, Reply Affidavit and Affidavit (with H. Ware) on behalf of BellSouth Corporation before the Federal Communications Commission in the matter of *AT&T-McCaw Merger, In re Applications of American Telephone and Telegraph Company and Craig O. McCaw For Consent to the Transfer of Control of McCaw Cellular Communications, Inc. and its Subsidiaries*, File No. ENF-93-44, filed November 1, 1993, January 18, 1994 and June 20, 1994, respectively.

Testimony on behalf of Alpha 1 Biomedicals, Inc. in the matter of *Alpha 1 Biomedicals, Inc. vs. SciClone Pharmaceuticals, Inc.*, American Arbitration Association, No. 74 E 113 00902 93, February 11-12, 1994.

Deposition on behalf of Alpha 1 Biomedicals, Inc. in the matter of *Alpha 1 Biomedicals, Inc. vs. SciClone Pharmaceuticals, Inc.*, American Arbitration Association, No. 74 E 113 00902 93, January 13, 1994.

Declaration on behalf of Alpha 1 Biomedicals, Inc. in the matter of *SciClone Pharmaceuticals, Inc. vs. Alpha 1 Biomedicals, Inc.*, U.S. District Court for the Northern District of California, Civil Action No. C93-3464-CAL, October 1, 1993.

Testimony on behalf of American Cyanamid Company in the matter of *Mylan Pharmaceuticals, Inc. vs. American Cyanamid Company vs. Roy McKnight*, U.S. District Court for the Northern District of West Virginia, Civil Action No. 90-0121-C(S), September 21-23, 1993.

Deposition on behalf of American Cyanamid Company in the matter of *Mylan Pharmaceuticals, Inc. vs. American Cyanamid Company vs. Roy McKnight*, U.S. District Court for the Northern District of West Virginia, Civil Action No. 90-0121-C(S), August 6-7, 1993.

Affidavit on behalf of American Cyanamid Company in the matter of *Mylan Pharmaceuticals, Inc. vs. American Cyanamid Company vs. Roy McKnight*, U.S. District Court for the Northern District of West Virginia, Civil Action No. 90-0121-C(S), January 20, 1993.

Testimony on behalf of Dornier Medical Systems, Inc. in the matter of *Technical Resource Services, Inc. vs. Dornier Medical Systems, Inc.*, U.S. District Court for the Middle District of Florida Orlando Division, Civil Action No. 91-762-CIV-ORL-19, June 22-23, 1993.

Deposition on behalf of Dornier Medical Systems, Inc. in the matter of *Technical Resource Services, Inc. vs. Dornier Medical Systems, Inc.*, U.S. District Court for the Middle District of Florida Orlando Division, Civil Action No. 91-762-CIV-ORL-19, January 26, 1993.

Declaration and Reply Declaration on behalf of Xoma Corporation in the matter of *Xoma Corporation vs. Centocor, Inc.*, U.S. District Court for the Northern District of California, Civil Action No. C-90-1129-RHS, January 8, 1992 and March 7, 1992, respectively.

Deposition on behalf of Xoma Corporation in the matter of *Xoma Corporation vs. Centocor, Inc.*, U.S. District Court for the Northern District of California, Civil Action No. C-90-1129-RHS; and "Certain Monoclonal Antibodies Used for Therapeutically Treating Humans Having Gram Negative Bacterial Infections," U.S. International Trade Commission, Investigation No. 337-TA-323, June 27, 1991.

Affidavit (with C. Jackson) in the matter of *U.S. vs. Western Electric Co. and American Telephone and Telegraph Company*, U.S. District Court for the District of Columbia, Civil Action No. 82-0192-HHG, supporting the "Request by BellSouth Corporation for a Waiver of the Modification of Final Judgment to Allow BellSouth Corporation to Provide Integrated MultiLATA Cellular Service," filed May 9, 1991.

Testimony (written) on behalf of Eighteen Vermont Utilities before the Federal Energy Regulatory Commission in the matter of *Northeast Utilities Service Company (Re: Public Service Company of New Hampshire)*, Docket Nos. EC90-10-000, ER90-143-000, ER90-144-000, ER90-145-000 and EL90-9-000, May 25, 1990.

Deposition on behalf of Ortho Pharmaceutical Corp. in the matter of *Ortho Pharmaceutical Corp. vs. Amgen, Inc.*, Endispute Arbitration, August 22 and September 15, 1989.

Deposition on behalf of McGraw Edison Company in the matter of *Augustus Oliviere vs. McGraw Edison Company, et al*, U.S. District Court for the District of Columbia, Civil Action No. 87-600-JHP, November 11, 1987.

## CONSULTING REPORTS:

"Answers to the DOJ Questions on the Competitive Effects of the PMA Undertaking," prepared for the Pharmaceutical Manufacturers Association, April 1993.

"Profile of the Health Care System in Canada" and "Reform of the Health Care System in Canada," (with C. Salisbury), prepared as part of the volume *The Health Care System in Canada* for the project Financing Health Care with Particular Reference to Medicines, April 1993.

"The Consequences of Pharmaceutical Product Patenting: A Critique," prepared for the Pharmaceutical Manufacturers Association, December 1992.

"Review of the GAO Report: Prescription Drugs: Companies Typically Charge More in the United States Than in Canada," prepared for a research-based pharmaceutical firm, November 1992.

"Parallel Trade in Pharmaceuticals: The Impact on Welfare and Innovation," (with R. Rapp), prepared for the Pharmaceutical Manufacturers Association, July 1992 (*NERA Working Paper No. 16*).

"The Commission Should Close Its Investigation of Lamar's Acquisition of Metro," (with J. McDavid and C. Lamar), prepared for a client involved in a FTC investigation, May 1992.

"Economics of the Research-Based Pharmaceutical Industry," (with C. Salisbury), prepared for the Pharmaceutical Manufacturers Association, February 1992.

"An Analysis of a Proposed Acquisition by R.P. Scherer International Corporation," prepared to help a client assess the competitive impact of a proposed acquisition in the U.S. and certain foreign countries, September 1991.

"Public Disclosure of Bids and Bidders," (with M. Bidwell and H. Nalbantian), prepared for New York Telephone Company, June 1991.

"Benefits and Costs of Intellectual Property Protection in Developing Countries," (with R. Rapp), prepared for a group of pharmaceutical firms interested in including intellectual property rights in the GATT, June 1990 (*NERA Working Paper No. 3*).

"Hospital Rate Regulation in Maryland: The Effect on Howard County General Hospital," (with C. Groszer and L. Nordgulen), prepared to help a client identify methodological and statistical problems with the approach to hospital rate setting in Maryland, April 1989.

"Update on Utility Competitive Bidding Programs," (with L. Nordgulen), prepared for the Energy Research Group, February 1989.

"Bidding Theory and the Baseball Player Market," prepared for a client concerned about compensation issues in professional sports, November 1988.

"The Bulk Power Coordination Services Market in Northern California: A Competitiveness Assessment," (with M. Rosenzweig and L. Nordgulen), prepared for a U.S. investor-owned utility, July 1988.

"An Analysis of the Westinghouse/ASEA-Brown Boveri Joint Ventures," prepared for a client concerned about combinations of firms in electric equipment markets, July 1988.

"Legal and Economic Theories of Contracts and Contract Discharge," prepared as background in *Wendy's vs. Pepsico* litigation, December 1987.

"A Guide to the Economics of Bidding and Auctioning Processes," prepared for the Energy Research Group, November 1987.

"Analysis of Market Power Using SAC," prepared as background in *ETSI Pipeline Project vs. Burlington Northern, Inc. et al*, U.S. District Court for the Eastern District of Texas, Civil Action No. B-84-979, October 1987.

September 1994

## **ATTACHMENT B**

**1993 CELLULAR RATES IN THE TOP 100 MSAs**  
**REGRESSION OUTPUT**  
 (Dependent Variable (Y): Minimum Rate for 125 MOUs)

Constant	51.02
Standard Error of Y Estimate	9.138
R Squared	0.357
Number of Observations	200
Degrees of Freedom	186

<u>Independent Variables</u>	<u>Estimates</u>	<u>T-Statistic</u>
Income per Capita (\$)	0.001	1.89
MSA population (Millions)	1.160	3.51
Both RBOC	(3.220)	(1.56)
No RBOC	(1.390)	(0.78)
Regulation	8.625	5.18
Operator Dummies:		
Ameritech	(4.796)	(1.22)
Bell Atlantic	2.803	1.05
BellSouth	(1.534)	(0.61)
NYNEX	5.715	1.71
Southwestern	(2.081)	(0.62)
US West	9.980	3.01
Airtouch	2.040	0.79
McCaw	4.281	1.98

( ) negative

Note: For all variables other than Income per Capita and MSA population, the variable unit is equal to either 0 or 1.

Source: Derived from Cellular Rates, Paul Kagan and Associates, Inc., January 1994, Vol. 1, pp 47-48.

## **ATTACHMENT C**

## DEMOGRAPHICALLY SIMILAR CITIES TO NEW ORLEANS AND BATON ROUGE

City Group/ Three-City Comparison	Population			Per Capita Income (Dollars) (4)	Percent of Earnings By Industry					Civilian Labor Force
	Total	Rank	Per Square Kilometer (3)		Farm	Goods- Related (6)	Prof. Serv., Retail, & Other [1]	Services	Govern- ment	
							(Percent)			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	
New Orleans, LA	1,294,991	40	147	\$ 16,959	0.2 %	21.8 %	33.0 %	29.6 %	15.4 %	595,152
Orlando, FL	1,268,774	43	140	17,832	1.3	17.8	32.3	35.1	13.5	726,934
Jacksonville, FL	933,637	58	137	17,938	0.3	15.0	38.5	24.8	21.5	470,430
Indianapolis, IN	1,405,567	35	154	19,845	0.2	29.5	32.0	24.1	14.2	745,672
Baton Rouge, LA	537,781	89	131	\$ 16,781	0.3 %	30.0 %	26.1 %	24.7 %	18.9 %	283,269
Columbia, SC	463,866	99	123	17,706	0.4	17.4	30.7	23.5	28.0	248,551
Chattanooga, TN-GA	428,575	106	91	16,801	0.4	na	na	23.7	18.3	209,582
Birmingham, AL	849,195	67	103	18,210	0.6	20.9	36.8	27.2	14.5	417,808

na not available

[1] Total service related and other less services.

Source: 1994 County and City Extra: Annual Metro, City and County Data Book  
Table B.



**ATTACHMENT C**  
**Table 2**

**DIFFERENCE IN BELL SOUTH CELLULAR LOWEST RATES FOR SELECTED  
REGULATED CITY AND UNREGULATED THREE-CITY COMPARISON [1]  
FOR VARYING MINUTES OF MONTHLY USAGE**

Lowest Monthly Rate as Reported by Minutes of Use																							
	10	25	50	75	100	125	150	175	200	225	250	275	300	325	350	400	450	500	600	800	1000	1500	2000
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(Dollars) (11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)	(19)	(20)	(21)	(22)	(23)
New Orleans	\$ 29	\$ 34	\$ 43	\$ 50	\$ 50	\$ 60	\$ 69	\$ 79	\$ 88	\$ 98	\$ 99	\$ 107	\$ 115	\$ 123	\$ 131	\$ 147	\$ 155	\$ 170	\$ 195	\$ 253	\$ 311	\$ 456	\$ 601
Three-City Comparison [2]	26	33	40	47	53	59	67	75	82	88	95	100	104	110	117	127	138	150	165	212	257	368	480
Difference	\$ 3	\$ 1	\$ 3	\$ 3	\$ (3)	\$ 1	\$ 2	\$ 4	\$ 6	\$ 10	\$ 4	\$ 7	\$ 11	\$ 13	\$ 14	\$ 20	\$ 17	\$ 20	\$ 30	\$ 41	\$ 54	\$ 88	\$ 121
Baton Rouge	\$ 39	\$ 44	\$ 53	\$ 53	\$ 57	\$ 65	\$ 74	\$ 83	\$ 92	\$ 99	\$ 99	\$ 107	\$ 116	\$ 124	\$ 132	\$ 149	\$ 155	\$ 171	\$ 195	\$ 255	\$ 315	\$ 465	\$ 615
Three-City Comparison [3]	26	33	43	52	56	57	64	73	82	85	89	97	104	112	120	135	142	144	165	190	236	357	489
Difference	\$ 13	\$ 11	\$ 10	\$ 1	\$ 1	\$ 8	\$ 10	\$ 10	\$ 10	\$ 14	\$ 10	\$ 10	\$ 12	\$ 12	\$ 12	\$ 14	\$ 13	\$ 27	\$ 30	\$ 65	\$ 79	\$ 108	\$ 126

[1] Matched cities were selected based on similarities in population size, density, and income.

[2] Weighted average (by population) of the lowest cellular rates (access and airtime) offered by BellSouth in Jacksonville, Orlando, and Indianapolis.

[3] Weighted average (by population) of the lowest cellular rates offered by BellSouth in Birmingham, Chattanooga, and Columbia.

Source: Derived from BellSouth Cellular Pricing History by City, and 1994 County and City Extra, Annual Metro, City and County Data, pp. 738, 766, 780, and 794.

**ESTIMATED CELLULAR PENETRATION RATES  
FOR NEW ORLEANS AND BATON ROUGE AND  
THEIR RESPECTIVE THREE-CITY COMPARISON GROUPS**

<u>City Group/ Three-City Comparison [1]</u>	<u>Estimated Cellular Penetration [2] (Percent) (1)</u>
<b>New Orleans, LA</b>	<b>7.38 %</b>
Orlando, FL	9.89
Jacksonville, FL	7.52
Indianapolis, IN	8.01 [3]
<b>Baton Rouge, LA</b>	<b>9.65 %</b>
Columbia, SC	10.70
Chattanooga, TN-GA	na
Birmingham, AL	10.20

na not available

- [1] Comparison based on the following criteria: population, per capita income, industry earnings and civilian labor force.  
[2] Based on 1994 Market Share Estimate, unless otherwise noted.  
[3] Based on 1992 Market Share Estimate.

Source: Data provided by BellSouth.

CERTIFICATE OF SERVICE

I, Shelia L. Robertson, hereby certify that on this 19th day of September 1994, copies of the foregoing "Comments of BellSouth Corporation in Opposition To Louisiana Public Service Commission's Petition To Continue Rate Regulation of Commercial Mobile Radio Services" were served on the following:

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